

### **REMARKS**

The Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the following remarks.

Claims 1-16 and 21-23 are pending in the application. Claims 1, 3, 8, 13-14 have been amended and new claims 21-23 have been introduced. Claims 17-20 were cancelled previously without prejudice to Applicant's right to pursue the non-elected subject matter in this or a copending application. No new matter has been added by virtue of the amendments. Support for the amendments may be found throughout the specification, claims and figures as originally filed.

The Office Action has averred that the drawings fail to comply with 37 CFR 1.84(p)(5) because they include references sign(s) not mentioned in the description and because reference signs mentioned in the description are not included in the drawings.

Reference numeral "38" is described in the specification. See, for example, page 11, line 10 of the specification as filed.

The specification has been amended to replace reference numeral "57" on page 8, line 16 with reference numeral "60." The amendment merely makes the reference to the triangular telescope frame on page 8 consistent to other references to telescope frames throughout the specification and drawings.

The Office Action has averred that the drawings fail to comply with 37 CFR 1.83(a) because the drawings must show every feature of the invention specified in the claims. More

particularly, the Office Action has asserted that the features of claim 3 and claim 12 are not shown in the drawings.

FIG. 4 and FIG. 5 show the structural relationship between the telescope frame and the telescope support recited in claim 12. FIG 5 shows the translucent screen recited in claim 3. Thus each of the claimed features is present in the drawings as originally filed.

Applicants believe that the amendments to the drawings and the specification satisfy all of the requirements of 37 C.F.R. 1.83 and 37 C.F.R. 1.84 and request that the objections to the drawings be withdrawn.

The Summary of the invention has been shortened and the material removed from the summary introduced into the Detailed Description of the Invention. Applicants believe that the Summary as amended provides a brief description of the invention as required by rule 37 CFR 1.73(d). Moreover, no new matter has been introduced by the amendments to either the Summary or the Detailed Description of the Invention.

The recitation of reference numeral 57 at page 8 referring to the telescope frame has been amended to read 60 which is consistent with the specification at page 11 and the drawings. The recitation of reference numeral 36 at page 14, line 20 which was used in connection with the sun has been deleted.

A substituted specification (including a clean copy and a copy showing the changes made) incorporating the instant amendments to the specification is attached to the instant response for the convenience of the Examiner.

Claims 12 stands rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement.

Applicant respectfully disagrees. FIG 2, FIG 4 and FIG 5 depict a solar telescope in which a circular telescope frame is supported by a circular support device having a smaller diameter than the frame. Moreover the specification as originally filed provides enablement to one skilled in the art in who to make or use the invention as recited in claim 12. However, in the interest of particularly pointing out the subject matter of the invention, the specification at page 17 has been amended. Support for the amendments can be found in the claims as originally filed and in FIG 2, FIG 4, and FIG 5.

Claims 3, 8, and 13-16 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Although Applicant disagrees with some of the alleged §112 rejections, Applicant believes that the claims as presently amended are fully compliant with the requirements of 35 U.S.C. §112 including the requirements of §112, second paragraph.

Claims 1, 2, 4-6, 11, and 13-14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over James (U.S. Patent 3,603,664) in view of Braymer (U.S. Patent 2,753,760).

The rejection is traversed.

The present invention provides a solar telescope which is suitable for safely observing the sun, the telescope comprising:

- a folded telescope assembly that comprises an objective lens, at least two light folding devices, a second lens, and a projection surface;

- a telescope frame having an exterior cross-section which is a circle or polygon and in which the telescope assembly is mounted; and

a curved support device wherein the curvature of the curved support device supports the telescope frame and permits adjustment of telescope altitude.

No combination of James and/or Braymer teach or suggest a solar telescope assembly. Moreover, neither James nor Braymer teach or suggest a solar telescope that permits safe observation of the sun.

As the James reference is understood, the telescope is housed in a spherical frame which has an optical eye piece through which an operator can observe an image. Applicants note that such a design is not suitable for solar observation in part because the optics of the James telescope would focus the sun's rays in the eye of the observer.

James neither discloses nor suggests a telescope having a projection surface onto which an image of the sun can be projected for safe solar observation.

Braymer fails to overcome the limitations of James. That is, Braymer also teaches a traditional telescope in which the image is projected through an eyepiece directly into the operator's eye.

No combination of James and/or Braymer teach or suggest any solar telescope designs. Moreover, no combination of James and/or Braymer teach or suggest a folded solar telescope which is suitable for safe solar observation comprising a folded telescope in a telescope frame which is supported by a curved support structure.

New claims 21-23 are also patentable over any combination of James and/or Braymer for the reasons discussed *supra* in connection with the rejection under §103 asserted against claim 1.

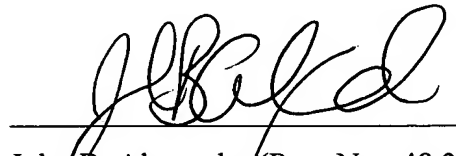
Thus claim 1 is patentable over any combination of James and/or Braymer. Claims 2, 4-6, 11, and 13-14 depend from claim 1 and are therefore also patentable over any combination of James and Braymer.

Applicant requests withdrawal of the rejection and reconsideration of the claims as amended.

Early consideration and allowance of the application are earnestly solicited.

Respectfully submitted,

Date: July 19, 2004

A handwritten signature in black ink, appearing to read "J. B. Alexander", is written over a horizontal line.

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